



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 3, 2023

BY CM/ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Davon Hawkins, et al., 21 Cr. 414 (KPF)*

Dear Judge Failla:

The Government respectfully submits this letter on behalf of all parties to request a 30-day adjournment of the motion schedule and the April 5, 2023 court appearance. The Government has conferred with counsel for defendant Anthony Smith, who has represented that counsel for all other defendants join in the request to adjourn the pre-trial motion schedule and the April 5, 2023 conference for 30 days, which would result in the following schedule:

- Pre-trial motions due April 6, 2023
- Government opposition due April 20, 2023
- Defendants' reply briefs due April 27, 2023
- Pretrial conference on or after May 5, 2023

This adjournment will not otherwise affect the trial schedule in this case, which contemplates trial commencing on July 10, 2023 after a final pre-trial conference on June 28, 2023. The parties respectfully submit that the additional time requested will assist the parties in reaching pre-trial resolutions, which the parties believe are within reach.

Should the Court grant the proposed adjournment, the Government respectfully requests, with the consent of the defendants, that the time until the next pretrial conference be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Government submits that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendants in a speedy trial, because the exclusion will permit the parties to continue to engage in discussions regarding a pretrial resolution to the case. *See id.*

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: M. Shin

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Cc: Counsel of Record (by ECF)

Application GRANTED. The pretrial conference currently scheduled for April 5, 2023, is hereby ADJOURNED to 11:00 a.m. on **May 5, 2023**. Defendants' pre-trial motions, if any, will be due **April 6, 2023**; the Government's consolidated opposition, if any, will be due **April 20, 2023**; and Defendants' reply briefs, if any, will be due **April 27, 2023**.

This is the second extension of these deadlines. The parties are advised that they are final and will not be extended again. The parties are also advised all other deadlines outlined in the Court's August 11, 2022 Order remain unchanged, including the **June 2023** deadlines for pretrial submissions and the **July 10, 2023** trial date. Those deadlines are also final and will not be modified for any reason.

The Clerk of Court is directed to terminate the motion at docket entry 153.

Dated: March 3, 2023
New York, New York

SO ORDERED.

Katherine Polk Failla

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE